

***Response to Amendment***

1. Claims 5, 9 and 12 are pending in this application and claim 5 has been amended and claims 1, 10 and 11 have been cancelled.

***Response to Arguments***

2. Applicant's arguments, see pages 1-4, filed on 03/23/2010, with respect to the rejection(s) of claim(s) 5,9 and 12 are under 35 U.S.C § 103(a), have been fully considered but are moot in view of the new ground(s) of rejection .

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 5, 9 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chainer et al (US 6957337) (hereinafter Chainer) in view of Murase et al (US 2002/0046347) (hereinafter Murase) and further Register, JR. et al ( US 20060213986) (hereinafter Register) and further more Kamise Youjirou ( JP 10246041) (hereinafter Kamise).

**As per claim 5**, Chanier discloses "a multi-authenticating system also for use in organism authentication, comprising the steps of:

“ a first authentication apparatus (column 5, lines 37-39, card) constructed by a first organism authentication unit which performs a first organism authentication by using a physical feature of an authentication target (column 5, lines 19-22, biometric is detected for authentication ) and a medium issuing unit (Fig.2, numeral 208, provide card to owner ) which issues an authentication medium when a result of said first organism authentication indicates an affirmative( column 5, lines 44-47, card is issued to the user), wherein said authenticating medium is personal property of the user of the first authenticating apparatus and is used as an authentication target (column 6, lines 20-25, user receives the device [card] and card is used to authenticate user );

But Chanier fails to disclose

“ a storage unit for storing authenticating medium validity term data and at least one use authority datum corresponding to a unique registrant identifier;

a searching unit that receives that issued authenticating medium from the first authenticating apparatus and searches the storage unit for the authenticating medium validity term data and the at least one use authority datum based on the unique registrant identifier from the authenticating medium personal property;

an apparatus discriminating unit that discriminates whether or not the use of an authenticating medium personal property apparatus is permitted on the basis of the authenticating medium validity term data and the at least one use authority datum based on the unique registrant identifier read from the authenticating medium personal property;

a second authenticating apparatus including:

a second organism authenticating unit for performing a second organism authentication using the physical feature of the authentication target,

a medium authenticating unit for authenticating the authentication target by using said authenticating medium if results of the first and second organism authentication coincide,

a medium collecting unit for collecting the authenticating medium if a result of the authenticating by the medium authenticating unit is affirmative, and

an apparatus control unit which permits use of another apparatus if the result of the authenticating by the medium authenticating unit is affirmative.

However, Murase discloses " a storage unit for storing (Fig.9, numeral 9 [ status database ] ) authenticating medium validity term data and at least one use authority datum corresponding to a unique registrant identifier (par 0090, and Fig.9, numeral 9 database of Ticket ID [unique registrant identifier] and Available data and time [validity term data] and a ticket [medium] can be used, use conditions such as an available facility [use authority datum]);

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a searching unit ( Fig .6, numeral 7, monitoring terminal) that receives that issued authenticating medium from the first authenticating apparatus and searches the storage unit for the authenticating medium validity term data and the at least one use authority datum based on the unique registrant identifier from the authenticating medium personal property (par 0085-0086, and Fig. 9, the user status of a user or ticket [medium] can be grasped by searching for user status data and/ or biological information data on the network server [database]);

an apparatus discriminating unit (Fig .5, numeral S504, identifying the status of the ticket) that discriminates whether or not the use of an authenticating medium personal property apparatus is permitted on the basis of the authenticating medium validity term data and the at least one use authority datum based on the unique registrant identifier read from the authenticating medium personal property (par 0086, disposing [discriminating ] the ticket [ personal property or medium ] based on the authentication of available data and time [ validity term data] and a ticket can be used , use conditions such as an available facility [ use authority datum]).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention to implement the claimed invention by modifying the method of biometric authentication of Chanier, based on the teachings of Murase, because doing so would prevent using of unauthorized card.

The combination of Chanier and Murase fails to disclose a second authenticating apparatus including:

- a second organism authenticating unit for performing a second organism authentication using the physical feature of the authentication target,

- a medium authenticating unit for authenticating the authentication target by using said authenticating medium if results of the first and second organism authentication coincide,

- a medium collecting unit for collecting the authenticating medium if a result of the authenticating by the medium authenticating unit is affirmative, and

- an apparatus control unit which permits use of another apparatus if the result of the authenticating by the medium authenticating unit is affirmative.

However, Register discloses a second authenticating apparatus including:

- a second organism authenticating unit [security system] for performing a second organism authentication using the physical feature of the authentication target ( par 0009, one or more biometrics of the cardholder [second organism authentication] can be used in the system for user verification ),

- a medium authenticating unit for authenticating the authentication target by using said authenticating medium if results of the first and second organism authentication

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coincide (par 0009, security system compared the scanned biometric[second organism] with stored biometric [first organism] ),

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention to implement the claimed invention by modifying the method of Chanier in view of Murase, based on the teachings of using one or more biometric authentication for cardholder of Register, because doing so would provide plurality of authentications for a user and it would provide stronger security for the system.

The combination of Chanier and Murase and Register fails to disclose a medium collecting unit for collecting the authenticating medium if a result of the authenticating by the medium authenticating unit is affirmative, and

an apparatus control unit which permits use of another apparatus if the result of the authenticating by the medium authenticating unit is affirmative.

However Kamise discloses a medium collecting unit for collecting the authenticating medium if a result of the authenticating by the medium authenticating unit is affirmative (par 0006 - 0007, the card recovery machine [collecting unit] which collects said entrance card [medium] when a caller is authenticated ), and

an apparatus control unit which permits use of another apparatus if the result of the authenticating by the medium authenticating unit is affirmative ( par 0006, a specific

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entrance card is used to enter two or more entrance gates, therefore card can be used to any gates [another apparatus] ).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention to implement the claimed invention by modifying the method of Chanier in view of Murase in view of Register, based on the teachings of an entrance card for passing gates of Kamise, because doing so would prevent using different cards for entrance.

**As per claim 9**, Chainer in view of Murase in view of Register in view of Kamise discloses “wherein said first authenticating apparatus writes all data necessary for subsequent authentication into the personal property of the user of the first authenticating apparatus (Chainer, column 6, lines 47-67, and Fig.3, numeral 301 capture [first apparatus] and transmits [writing] biometric data to the identity device at numeral 308 [personal property of user] ), and said second authenticating apparatus can solely discriminate whether or not the use of the another apparatus is permitted on the basis of the data obtained from said personal property” (Register, par 0009, one or more biometrics of the cardholder [second authentication apparatus] can be used in the system for user verification ).

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**As per claim 12**, Chainer in view of Murase in view of Register in view of Kamise discloses wherein the apparatus control unit is an electronic lock ( Kamise, par

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0006, a specific entrance card is used to enter two or more entrance gates [lock], therefore card can be used to any gates [another apparatus].

### **Conclusion**

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Abu Sholeman whose telephone number is (571)270-



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7314 and Fax number is (571)-270-8314. The examiner can normally be reached on Monday through Thursday 9:30 AM - 6:00 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Emmanuel Moise can be reached on (571)272-3865. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/ABU SHOLEMAN/

Examiner, Art Unit 2437

/Matthew B Smithers/  
Primary Examiner, Art Unit 2437